

### **REMARKS**

Claims 1-23 were examined in the outstanding office action mailed on 05/21/2007 (hereafter "Outstanding Office Action"). Applicants note with appreciation that claim 7 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-6 and 8-23 were rejected. The specification and claim 14 were objected to.

By virtue of this paper, claims 1, 2, 6-9, 12, 14, and 18 are sought to be amended, and new claim 24 is sought to be added. The amendments and additions are believed not to introduce new subject matter, and their entry is respectfully requested. The amendments are made without prejudice or disclaimer. Claims 1-24 are thus respectfully presented for reconsideration.

### ***Representative Capacity***

Though not an attorney of record, the undersigned representative is authorized to file this response under 37 CFR § 1.34 and MPEP §. Entry of this response and continuation of examination is respectfully requested.

### ***Information Disclosure Statement (IDS)***

Applicant thanks the Examiner for considering and making of record the IDS filed on 29 March 2004. The Examiner is also thanked for acknowledging the same in the Outstanding Office Action.

The Examiner is further thanked for locating a clean/electronic copy of the reference and making it of record.

### ***Specification***

The disclosure was objected to noting that there are several typographical errors present in the specification including symbols that were not were not decoded correctly. The specification is sought to be amended accordingly and withdrawal of the objection is respectfully requested.

***Claim Objections***

Claim 14 was objected to stating that typographical errors in the first limitation of the claim make the claim difficult to understand (line 2). In particular it was noted that there appears to be missing words and spaces regarding the amplifier limitation. As suggested by the Examiner, the term has been amended to read "an amplifier amplifying said signal portion...". The Examiner is thanked for the detailed examination as well as advancing prosecution. Withdrawal of the objection is respectfully requested.

***Claim Rejections Under 35 U.S.C. §§ 102/103***

Claims 1-4, 8-9, and 18-20 were rejected under 35 U.S.C. 102 (b) as being anticipated by Hoshikuki *et al* (US Patent 6,141,392). Without acquiescing to the Examiner's contentions, it is asserted that the presented claims are allowable over the art of record.

In particular, currently amended claim 1 recites, among other features, "... wherein each of said parameters has a corresponding value for each of a plurality of sub-portions of the respective signal portion received on each of said plurality of antennas."

In sharp contrast, the Examiner had equated claimed plurality of parameters with the correlation output shown in Figure 2 of Hoshikuki. The correlation output of Hoshikuki is akin to a single parameter of currently amended claim 1 in that the correlation output is shown with different correlation values at different time instances there in Figure 2 of Hoshikuki.

Currently amended claim 1 is accordingly allowable over Hoshikuki.

Claims 2-4 and 24 depend from claim 1 and are thus allowable at least for the reasons noted above with respect to claim 1.

Claim 2 is independently allowable at least in reciting, "... a first parameter contained in said plurality of parameters comprises a correlation value and a second parameter contained in said plurality of parameters comprises a strength of said signal,...". By operation

of claim 1, one of the antennas is selected based on both the correlation value and the strength of the signal.

Based on the remarks with respect to claim 6 (see page 5, lines 16-19 of the Outstanding Office Action), it is believed that the Examiner concedes that Hoshikuki does not disclose using the strength of the signal in selecting the antenna. The Examiner instead relies on Caples *et al* (US Patent 4,291,410) to disclose such a feature.

It is Applicant's position that the combined teachings of Hoshikuki and Caples do not establish a prima facie case of obviousness as against currently amended claim 2.

As noted by the Examiner in the Outstanding Office Action, Caples teaches "automatic gain control signal ... applied to an input amplifier to ensure that the received signal is maintained at a predetermined level throughout the receiver chain." (Lines 18-20 on page 5 of the Outstanding Office Action).

It is respectfully pointed out that Caples does not teach or reasonably suggest the use of multiple antennas. Thus, neither Caples nor Hoshikuki discloses the claimed feature of selecting one of the antennas based on the strength of the signal. A prima facie case under 35 U.S.C. § 103 is not established at least for such a reason.

Furthermore, the Examiner has not established sufficient motivation to combine Hoshikuki with Caples to render obvious the invention of currently amended claim 1. In this regard, the Examiner had asserted that:

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoshikuki *et al.* with the automatic gain control signal taught by Caples *et al.* ***since it ensures proper reception of data by controlling an amplifier to amplify received signals to a sufficient level for processing*** (column 3, lines 36-38).

(Page 6 lines 1-4 of the Outstanding Office Action)

The motivation asserted by the Examiner would only go as far as amplifying the received signals to a sufficient level for processing, but there is no disclosure or suggestion in

Caples or Hoshikuki that the gain control information in Caples is used as another parameter (i.e., other than the correlation value) for selecting one of the antennas.

5       Currently amended claim 2 is accordingly allowable over the combined teachings of Hoshikuki and Caples.

10       Currently amended claim 18 is allowable for one or more of the reasons noted above in reciting that, "... generating a first parameter and a second parameter by examining said non-payload portion received via said first antenna, and a third parameter and a fourth parameter by examining said non-payload portion received via said second antenna, wherein each of said first parameter and said third parameter representing a respective correlation of said non-payload portion with a corresponding expected signal, said third parameter and said fourth parameter representing a respective strength of said signal received via said first antenna and said second antenna; ... selecting one of said plurality of antennas based on said first parameter, said second parameter, said third parameter and said fourth parameter ...".

20       As noted above, the art of record does not teach or reasonably disclose basing antenna selection on both the correlation values and signal strength on the signal received from each of the two antennas.

      Claims 19-23 depend from claim 18 and are also allowable for the reasons noted above with respect to claim 18.

25       Currently amended claim 8 is allowable for one or more of the reasons noted above in reciting "... wherein each of said parameters has a corresponding value for each of a plurality of sub-portions of the respective signal portion received on each of said plurality of antennas."

30       Claims 9-17 depend from claim 8 and are also allowable for the reasons noted above with respect to claim 9. Claim 9 is also independently allowable at least in reciting, "... a first parameter contained in said plurality of parameters comprises a correlation value and a

second parameter contained in said plurality of parameters comprises a strength of said signal, ...".

***Conclusion***

5           Accordingly all the objections and rejections of record are believed to be overcome. Continuation of examination is respectfully requested. The Examiner is invited to telephone Mr. Jim Brady at (972)917-4371 if it is believed that an interview might be useful for any reason.

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Respectfully submitted,  
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